

**DECLARATION OF SHELLEY G. HURWITZ**

I, Shelley G. Hurwitz, declare as follows:

1. I am an attorney at law admitted to practice before this Court. I am an associate at the firm of Holland & Knight LLP, counsel for Bernzomatic in this action. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would so testify.

2. The parties enter into the attached stipulation and jointly move the Court to continue the date currently set for the Mandatory Settlement Conference. The parties are not requesting a continuance of any other dates.

3. This case was initially assigned to Magistrate Judge Louisa S. Porter. A Mandatory Settlement Conference was scheduled for July 21, 2008. All parties and their counsel were prepared to appear for the Mandatory Settlement Conference on July 21, 2008.

4. Judge Porter subsequently recused herself. On July 14, 2008, this case was transferred to Magistrate Judge Barbara L. Major. As part of that transfer, the Mandatory Settlement Conference scheduled for July 21, 2008 was vacated.

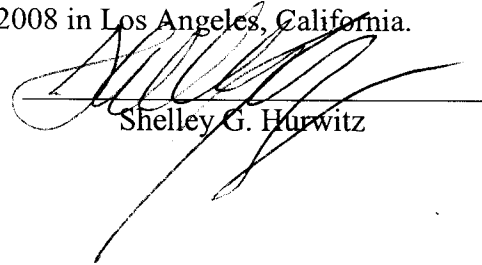
5. On July 22, 2008, the Court issued an order rescheduling the Mandatory Settlement Conference for September 3, 2008 before Judge Major.

6. Previous to the recusal of Judge Porter, the parties had worked diligently to schedule and arrange the depositions of the experts in this matter. All parties agreed to depose defendant's liability experts in Boston on September 3 and September 4, 2008. All counsel will be attending the depositions in Boston on September 3, 2008.

7. As such, the parties and counsel respectfully request that the Mandatory Settlement Conference be continued to September 22 or September 24, 2008.

8. All parties join in this motion. This motion is filed in compliance with Local Rule 26.1.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct. Executed this 29 day of July 2008 in Los Angeles, California.

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Shelley G. Hurwitz

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